

**U.S. ARMY CORPS OF ENGINEERS
FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM
(FUSRAP)
OPERATION ORDER (OPORD) 98-1
(OPLAN 98-1)**

REFERENCES.

- a. Legislation (Annex A)
- b. Relevant hazardous, toxic, and radioactive waste (HTRW) policy guidance:
 - (1) DoD Charter for Low Level Radioactive Waste Disposal Program, 21 Aug 97.
 - (2) AR 200-1 Environmental Protection and Enhancement
 - (3) EM 1110-1-35-1, Management Guidance for Low-Level Radioactive Waste (LLRW) and Mixed Waste (MW) Site Remediation, 30 June 97.
 - (4) EM 1110-1-4002, Guidance for Low-Level Radioactive Waste (LLRW) and Mixed Waste (MW) Treatment and Handling, 30 June 97.
 - (5) EM 385-1-80, Radiation Protection Manual, 30 May 97.
 - (6) EM 385-1-1, Safety and Health Requirements Manual, 3 Sep 96.
 - (7) EP 200-1-8, Risk Assessment: Radioactive and Mixed Waste Bibliography, 15 Feb 96
 - (8) ER 5-7-1 Project Management
 - (9) ER 385-1-80, Ionizing Radiation Protection, 30 May 97.
 - (10) ER 385-1-92, Safety & Occupational Health Documentation Requirements for HTRW & OEW Activities, 19 Mar 94.
 - (11) ER 1110-1-263 Chemical Data Quality Management for Hazardous, Toxic, and Radioactive Waste Remedial Activities.
 - (12) ER 1110-1-8100 Laboratory Investigations and Testing
 - (13) ER 1110-3-1301 Cost Engineering Policy and General Requirements for HTRW Remedial Action Cost Estimates
 - (14) CEMP-RT memorandum dated 18 Jul 94, subject: Disposal of Low-Level Radioactive Waste (LLRW) from USACE HTRW Projects and Operating Facilities.
 - (15) CEMP-RT memorandum dated 5 Oct 94, subject: Department of the Army Low Level Radioactive Waste (LLRW) Disposal and Remediation Policy.
 - (16) Environmental Cleanup and Protection Management Plan for Military Program, 17 January 1996.
 - (17) CEMP-RT Memorandum, 24 July 1996, subject: "Technical Roles and Responsibilities for the USACE Hazardous, Toxic and Radioactive Waste (HTRW)

Program”, as amended by CEMP-RT memorandum of 23 Sep 1997 to reflect changes due to Division laboratory closures

- (18) EP 415-1-260, Resident Engineers Management Guide.
- (19) EP 415-1-266, Resident Engineers Management Guide for HTRW, Dec 94.
- (20) Corps of Engineers Guide Specification (CEGS01351 (formerly 01110) Safety, Health, and Emergency Response (HTRW/UST), May 97.
- (21) EM200-1-2, Technical Project Planning Guidance For HTRW Data Quality Design, 21 July 95.

c. Contracting Regulations:

- (1) Federal Acquisition Regulations (FAR)
- (2) Defense FAR Supplement
- (3) Army FAR Supplement
- (4) Engineering FAR Supplement

COMMAND RELATIONSHIPS.

USACE

- Civil Works
- Military Programs
 - Environmental Division
 - FUSRAP Task Force
 - Oak Ridge Transition Team
 - Program Assessment Team
- Center of Expertise
- Great Lakes and Ohio River Division
- Mississippi Valley Division
- North Atlantic Division
- Northwestern Division

1. SITUATION.

a. Program Background and Overview. The FUSRAP is a Civil Works program assigned to the Civil Works Directorate executed with Civil Works resources (i.e., funding and personnel spaces). FUSRAP involves the remediation of hazardous waste and low-level radioactive contamination at industrial sites that supported the nation’s early nuclear program under the Manhattan Engineer District and the Atomic Energy Commission, both predecessors to the present Department of Energy. The initial list

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included over 400 potential FUSRAP sites; subsequent DOE screening identified 46 sites suitable for remediation under FUSRAP. Of these 46 FUSRAP sites, DOE has completed clean up at 25 sites, leaving 21 sites remaining for remedial action (see Table 1 and Figure 1). All DOE FUSRAP projects are presently managed under one program-wide contract controlled from DOE's FUSRAP Program and Contract Center at Oak Ridge, Tennessee. This contract is a Time and Materials (T&M) contract with Bechtel Environmental Inc. in which individual projects are executed by Bechtel subcontractors and controlled by DOE CORs at Oak Ridge.

b. Congressional Guidance. (language provided in Annex A). The FY98 Energy and Water Appropriations bill provides \$140 million to the Corps for FUSRAP project execution. HQUSACE and division program management activities must be funded from the Civil Works General Expenses account. Congressional expectations as stated in the conference report include the following:

(1) Significant cost and schedule efficiencies are to be gained by having the Corps manage FUSRAP;

(2) A smooth transition from DOE to Corps is expected;

(3) Execution will be in accordance with current schedules, with improvement in overall execution performance;

(4) The Corps will continue to operate within the existing contract framework, which expires in Jun 98, with minimal disruption to operations as terms of current contracts are honored;

(5) The Corps is to review existing baseline cost, scope, schedule, and technical assumptions for each FUSRAP site to identify actions which can reduce costs and accelerate completion of clean up;

(6) The Corps is to submit a report to the Appropriations Committees within 90 days after enactment describing whether it is possible and/or reasonable to complete all FUSRAP clean up by 2002, including the steps necessary to meet this date.

c. FUSRAP Site Locations. Remaining active FUSRAP sites are identified on the map provided in Figure 1. Additional data on these sites is contained in Table 1 - Summary of Current Sites and Involved Districts.

d. Assumptions.

- (1) Adequate resources will be quickly identified and made available at all levels;
- (2) DOE and DOE contractors will cooperate fully during the transition;
- (3) The geographic Districts will engage in active public affairs and public involvement programs to address local concerns;
- (4) CEMP-R will centrally manage FUSRAP for the Civil Works Directorate, using the capabilities and guidance established for other existing HTRW programs.

2. MISSION.

On issuance of this plan USACE accepts the transfer of the FUSRAP from the DOE in accordance with Public Law 105-62 and executes the remediation of the FUSRAP sites. USACE executes a seamless transition of FUSRAP from the DOE, conducts efficient program and project execution of the FUSRAP remediation work. USACE determines if it is possible and/or reasonable to meet the proposed 2002 completion date and report to Congress within 90-days on what steps must be taken to meet date.

3. CONCEPT OF THE OPERATION.

a. Commander's Intent.

(1) Successful implementation of the FUSRAP program entails reviewing and analyzing the program, seamlessly transitioning the program from DOE, developing and submitting a 90-day Report to Congress and executing the program and projects within budget and schedule.

(2) The FUSRAP will be executed in compliance with the policies established jointly by the Directorates of Civil Works and Military Programs. The Civil Works Directorate is executive agent and program manager, responsible for providing national level program management and policy guidance. The Civil Works Directorate will maintain effective communications with interested Congressional members and with the Corps' Civil Works authorization and appropriations committees. The Civil Works Directorate will also be responsible for program coordination with the Assistant Secretary

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of the Army (Civil Works) and the Office of Management and Budget, and for the coordination of policy issues at the programmatic level with DOE Headquarters.

(3) The Military Programs Directorate, through its Environmental Division, will be the USACE executing agent. Military Programs Directorate will task the Major Subordinate Commands regarding FUSRAP execution activities. It will manage the execution of the current year FUSRAP program and oversee the field elements engaged in FUSRAP execution activities. The Military Programs Directorate, shall approve, coordinate and execute all USACE Work Plans and will approve associated funding documents. Military Programs Directorate, Environmental Division, will coordinate with other federal regulatory agencies at the Washington level on FUSRAP execution issues.

(4) The Major Subordinate Commands will continue to follow normal procedures and relationships with respect to their subordinate districts. However, this mission will require close coordination with all involved civil and HTRW design districts to ensure that the Corps applies the best existing expertise to this mission.

(5) To replicate USACE's success in executing similar environmental remediation programs and to make effective use of technical capabilities which presently exist within USACE, the FUSRAP will be modeled after similar execution models [references (10), (16) and (17)] already in place within the Military Programs Directorate and the HTRW design districts. These models are working effectively in the Formerly Used Defense Sites (FUDS) and the EPA Superfund programs. Executing HTRW design districts are encourage to conduct value engineering studies for all remedial actions of over \$2M and to consider innovative technology when it will reduce cleanup costs and enhance efficiencies.

(6) The Civil Works Directorate will act as the USACE executive agent and program manager in a similar manner as DOD does for the FUDS program, while USACE's Environmental Division of the Directorate of Military Programs will act as the FUSRAP executing agent on behalf of Civil Works in fashion similar to that used for the FUDS program.

(7) FUSRAP will be executed with existing personnel resources. Some minor adjustments to district FTE allocations may be necessary, but generally no district will be allowed additional staff resources beyond those currently on hand to execute and manage the program. Likewise, the management activities of the HQUSACE and division offices will be accomplished within existing General Expenses funding and personnel ceilings.

(8) Safety and health requirements will be fully enmeshed in all phases of FUSRAP execution. Preservation of the safety and health of site workers and members of the public near the project is priority one. Annex H provides details.

b. FUSRAP Program Operations.

(1) **General Concept.** The FUSRAP program will be centrally managed by HQUSACE with the project sites decentrally managed by geographic divisions / districts. The Directorate of Military Programs Environmental Division (CEMP-R) will act as the execution agent for the Civil Works Directorate. The Environmental Division will establish a full-time FUSRAP Task Force that will manage and administer the FUSRAP program in compliance with legislative requirements and guidance, this Operation Order, and existing HTRW policies. The FUSRAP Task Force will initially control all activities during the transition period (Phase 1). Once transition is complete, the FUSRAP Task Force will revert to a FUSRAP Section within CEMP-R. This FUSRAP Section will continue to centrally manage the long-term implementation of the program once steady-state program execution is reached. The organizational roles and responsibilities are described in detail later in this document in the Coordinating Instructions.

(2) Project Execution.

(a) Geographic divisions / districts (Table 1) will be directly responsible for project execution to include; project management, coordination with local interests and involved state and federal regulators, implementation of a proactive public involvement and public affairs strategy, and, where appropriate, oversight of remedial actions.

(b) The executing divisions / districts (see Table 1) are responsible for all necessary coordination to make the "One Door to the Corps" concept a reality. Executing districts will utilize existing USACE resources; duplication of effort of existing USACE capabilities is prohibited. Consequently, the geographic districts shall broker FUSRAP projects to applicable HTRW design districts for project investigation, design, management of cost-reimbursable HTRW contracts, HTRW legal issues, HTRW safety and occupational health requirements (including health physics) related to investigations and designs, technical assistance with HTRW project / program management and oversight of remedial actions, as appropriate. The geographic districts shall broker real estate support where the geographic district does not have a real estate function. Geographic districts shall utilize the existing specialized HTRW capabilities from the assigned HTRW design districts using the mechanisms in place for the FUDS or Superfund programs (Table 1). The HTRW design districts should also request assistance from the specialized Centers of Expertise (CX) for HTRW and OE. Note that

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all FUSRAP projects are hereby designated “category B” projects (reference b.(11)) requiring the CX review.

(c) Divisions / Districts shall immediately execute FUSRAP responsibilities within their respective Civil Works boundaries. Divisions / districts shall immediately begin assessing FUSRAP projects within their geographic boundaries with internal resources and shall be prepared to brief HQUSACE on their program and project execution plans no later than 30 days after issuance of this Operation Order (OPORD). Divisions / Districts shall coordinate internal project assessment with the FUSRAP Task Force and Assessment Team.

(d) Divisions / Districts shall report project coordination and execution status thru existing HTRW reporting channels from districts to divisions to the FUSRAP Task Force Manager at HQUSACE, CEMP-R. Divisions / Districts are to assess FUSRAP projects to identify cost and schedule improvements in the remediation process and report findings by project and district to the FUSRAP Task Force for incorporation into the USACE 90 day report to Congress.

(e) Divisions / Districts are to concentrate on rapid restoration of the sites in concert with the regulators and local communities. Where possible, Divisions / Districts shall emphasize the use of Engineering Estimates / Cost Analysis (EE/CA) and Interim Removal Actions (IRAs) to attain site closures. Where necessary, the more lengthy Record of Decision (ROD) process shall be followed.

(f) The USACE transition, acquisition, and execution strategies shall emphasize timely and cost-effective remedial action activities at the remaining sites. To ensure that FUSRAP projects are focused on remedial action (RA), projects shall be monitored by the comparison of RA expenditures to all other expenditures. FUSRAP projects shall use performance-based specifications and scopes of work and cost-reimbursable contract mechanisms. Deviations to this policy shall be fully justified by the executing district and approved by CEMP-R prior to any obligation of project funds.

3. Phases of the Operation.

a. General. FUSRAP will be conducted in two phases. Phase 1 will consist of a Transition Phase, estimated to be six months in duration, during which the program control will be transferred from the Department of Energy (DOE) to USACE. During this phase, the FUSRAP Task Force at HQUSACE will coordinate closely with the DOE at Headquarters and at Oak Ridge for a smooth transition of the program in accordance with mandated legislation. This phase will be resource-intensive at both the HQUSACE and

field level to ensure success. Phase 2 will consist of steady-state FUSRAP operations, with a corresponding reduction in HQUSACE resources to match the program steady-state needs. During this phase, the FUSRAP Task Force will convert to the FUSRAP Section within CEMP-R.

b. Phase 1: Transition Phase. Phase 1 of the FUSRAP program will follow the schedule, milestones, and critical activities outlined in Annex B of this Operation Order (OPORD). Work will be assigned to USACE field activities using Civil Works division boundaries. Geographic districts will serve as project managers for local FUSRAP projects. Geographic districts will act as “One Door to the Corps,” brokering work to other HTRW design districts and utilizing the HTRW-CX and OE-CX to bring the best assets of the Corps to focus on this mission.

(1) The following critical tasks must be accomplished during this phase:

(a) Implement management oversight and mechanisms to ensure continued execution of ongoing remedial actions during the transition phase.

(b) Complete the initial assessment of the remaining 21 active FUSRAP projects and prepare the 90-day report to Congress;

(c) Formulate effective strategies for future program execution and development of future budget requirements; and

(d) Determine appropriate transition measures to transfer full project execution responsibility to the districts.

(2) The FUSRAP Task Force will coordinate executing geographic divisions and districts, supporting HTRW design districts, and HTRW-CX. During Phase 1, the FUSRAP Task Force shall establish and control two additional but temporary organizational elements: an Oak Ridge Transition Team and a Program Assessment Team. Each team shall consist of 4-8 personnel, primarily from Division and HTRW-CX, personnel who will assist the FUSRAP Task Force in the accomplishment of the four critical transition tasks outlined above. These two teams will report to the FUSRAP Task Force Manager at HQUSACE, CEMP-R.

(3) HQUSACE, with input from the Program Assessment Team, the Oak Ridge Transition Office, and the Division / District Project teams, prepares the 90-day report to Congress. During the initial six-month transition period, Corps must exercise effective

management of existing program, determine an appropriate transition strategy for execution of the remaining FUSRAP projects, and prepare the 90-day report to Congress.

(4) Certain portions of Phase 1 may overlap with Phase 2 of the program based on need. Currently, only the Oak Ridge Transition Team is envisioned as needing to continue into the post-transition, steady-state phase of the program.

c. Phase 2: Post Transition, Steady State. After the initial transition period, field elements should be in full operational model. A continuing presence at Oak Ridge may be necessary at least until the completion of the existing Bechtel program management contract in June 1998. The specific schedule and milestones for this phase will be determined after the submission of project / program assessment and transition recommendations in accordance with Phase 1.

d. Contract Strategy.

(1) The immediate goal of the USACE contract strategy is to minimize disruptions to ongoing FUSRAP projects. Existing DOE FUSRAP contracts have been transferred to USACE for use as appropriate. Since the current DOE FUSRAP program management contract expires in June 1998, USACE executing elements shall immediately look for severable project points from which the local FUSRAP projects may transition to existing USACE HTRW contracts.

(2) After initial project evaluation, executing districts (see Table 1) will make recommendations as to the continued use of the DOE FUSRAP contractor and/or transition to USACE contractors. Where necessary, DOE FUSRAP contract vehicles will be retained to complete projects to severable project points or until the June 1998 expiration date. New FUSRAP contract vehicles will be acquired as necessary only after a review of district, divisions and headquarters contract capacity and project / program assessment requirements. To the maximum extent possible, executing districts are encouraged to make use of existing HTRW contract vehicles (e.g., Total Environmental Restoration Contracts) that are already in place at the HTRW design districts. Where new contracts are necessary, they will be procured in conformance with applicable acquisition and program management regulations.

(3) During Phase 1, all DOE FUSRAP contracts will be transferred to Northwestern Division, (Omaha District). Each executing district will immediately recommend USACE personnel as the contracting officer representatives (CORs), preferably the district Chief of Contracting, to replace DOE personnel as the interim CORs for each project in their geographical area. The USACE Contracting Officer shall then designate district CORs for the transferred DOE FUSRAP contract.

(4) The USACE Contracting Officer will immediately evaluate the feasibility of bilaterally modifying the Time and Materials (T&M) contract to an T&M Indefinite Delivery Contract. If modified, and in coordination with the executing districts, each remaining project will be converted to an T&M task order and separately funded as applicable. Previously designated executing district CORs will then be immediately designated and transferred Contracting Officer authority for such task orders to the executing district.

e. Coordinating Instructions.

(1) HQUSACE staff elements: CECC, CEHR, CEPA, CEPR, CERE, CERM, and CESO provide support as necessary.

- (a) Provide support as necessary and as tasked.
- (b) Coordinate and provide Annex to support this Order.

(2) Tasks to Subordinate Units.

(a) Directorate of Civil Works:

[1] Serves as Executive Agent, program manager and principal HQUSACE point-of-contact for FUSRAP.

[2] Perform for USACE budget development, justification, and defense.

[3] Perform Congressional liaison and coordination.

[4] Perform all liaison with ASA(CW).

[5] Perform liaison with DOE-HQ on policy and transfer issues.

[6] Issue FUSRAP program funding.

[7] Develop and issue FUSRAP program management policy.

(b) Directorate of Military Programs (Environmental Division, CEMP-R):

[1] Serves as FUSRAP execution manager for Civil Works Directorate.

[2] Reports to Civil Works Directorate on program status.

[3] Establishes, coordinates and manages FUSRAP Work Plan.

[4] Approves Funding Authorization Documents.

[5] Oversees MSCs in field execution activities.

[6] Issues FUSRAP execution policy.

[7] Assembles and oversees FUSRAP Task Force.

[8] Oversees all Washington-level execution coordination issues with involved federal agencies (DOE, DoD, DA, EPA, NRC).

[9] Establishes necessary personnel for command and control of FUSRAP program. Form FUSRAP Task Force.

a. FUSRAP Task Force.

[1] Serves as FUSRAP program execution manager for Chief, Environmental Division..

[2] Reports to Chief, Environmental Division on program execution status.

[3] Establishes, coordinates and manages FUSRAP Work Plan.

[4] Approves Funding Authorization Documents.

[5] Interfaces and oversees MSC field execution activities, provides tasking and approves execution funding to MSCs and districts.

[6] Provides guidance and direction on scheduling, acquisition strategies, transition strategies, technical requirements, project reporting, and development of reports to Congress.

[7] Oversees and coordinatea subordinate teams and task MSCs for team personnel support.

[8] Disseminates FUSRAP program and project information and guidance to MSCs.

[9] Prepares 90-day report to Congress.

[10] Develops FUSRAP execution policy based on input from National FUSRAP Program Manager.

[11] Coordinates and develops execution reports to program manager.

[12] Coordinates all Washington-level execution coordination issues with involved federal agencies (DOE, DoD, DA, EPA, NRC).

b. Oak Ridge Transition Office:

[1] Reports to the CEMP-R FUSRAP Task Force.

[2] Assesses current DOE and Bechtel management practices, contract requirements, financial systems, scheduling, property accountability, regulatory interfaces, public affairs and community relations, claims, future program requirements. Acquire FUSRAP information and immediately disseminate.

[3] Develops specific transition actions regarding the DOE and Bechtel program management groups at Oak Ridge in light of existing Corps' contracting capacity.

[4] Coordinates for office space at Oak Ridge during the Phase 1 transition.

[5] Coordinates with FUSRAP Task Force and NWD for contractor support. Technical project direction to Bechtel provided by local geographic district or supporting HTRW design district, conveyed to Bechtel via the Oak Ridge Transition Office (one member must have Contracting Officer authority).

[6] Act as conduit for MSCs to coordinate project / program transition from DOE's Oak Ridge personnel to USACE MSCs and districts.

[7] Assists FUSRAP Task Force in development of 90-day report.

[8] If necessary, act as national COR for DOE contracts during transition phase.

[9] Prepare and submit SITREP as required by FUSRAP Task Force.

c. Program Assessment Team (direct support to CEMP-R):

[1] Reports to the CEMP-R FUSRAP Task Force.

[2] Coordinates and assists in project assessments with geographical district teams. Develops HQUSACE's overall assessment of current project status to include DOE commitments with communities and regulators, DOE's strategy for completion, and evaluates technical appropriateness and level of funding of existing DOE-directed contractor activities. Coordinates USACE activities with MSCs, ensures uniformity of assessment USACE wide. Establishes minimum assessment criteria, performs concurrent assessment reviews of MSCs projects.

[3] Works with geographical districts to determine whether completion by 2002 is possible, as required by Congress (conference report) for 90-day report.

[4] Works with geographical districts, as necessary, to determine appropriate Corps' transition strategy for each project and estimate Corps' requirements to complete.

[5] Draws technical talent from CX, NAD, LRD, MVD, and NWD. for required expertise in HTRW project management, environmental law, real estate, health physics, contracting and cost analysis.

[6] Assist MSCs / districts with FUSRAP assessment issues and procedures.

[7] Consolidates, assembles and coordinates with MSCs site specific components of 90-day report to Congress.

[8] Determine the required training of USACE personnel involved in managing and executing FUSRAP.

[9] Prepare and submit SITREP as required by FUSRAP Task Force.

(c) Major Subordinate Commands (LRD, MVD, NAD):

[1] Immediately assume responsibility, oversight and execution of projects within geographical areas of responsibility In accordance with Table 1.

[2] Provide FUSRAP personnel as tasked in accordance with this order. Responsible for ensuring right mix of district talent is applied to task (MSC commanders to submit proposals identifying team composition with requisite experience and training in HTRW projects, safety, industrial hygiene and health physics with respect to hazardous waste and radioactive materials, and management of cost-reimbursable contracts). Additionally, be prepared to send one geographical district representative and POC to initially work with Oak Ridge Transition Team.

[3] Coordinate intra- and inter- division brokering as necessary in accordance with Table 1. Justify any deviations to HQUSACE prior to initiating deviation.

[4] Initiate liaison with regional and local interests (regulatory agencies, etc.)

[5] Execute division functions within existing GE resources (funding and spaces).

[6] Initiate MSC project / program assessment with internal and brokered forces. Coordinate MSC project / program assessment with USACE FUSRAP Task Force and Assessment Team to ensure uniformity. Immediately forward critical project funding requests to the FUSRAP Task Force.

[7] Immediately begin establishing governmental oversight of FUSRAP projects from contractors and DOE personnel. As necessary, descope existing contract support to remove duplication of efforts and costs.

[8] Initiate aggressive public affairs / community involvement program to instill confidence in USACE execution.

[9] Prepare and submit SITREP as required by FUSRAP Task Force.

(d) Northwestern Division (NWD):

[1] Provide HTRW technical support to USACE MSCs.

[2] Provide HTRW support personnel to FUSRAP Oak Ridge Transition and Program Assessment Teams in accordance with OPORD.

[3] Be prepared to provide speciality support (e.g., Rapid Response, and TERC contract support) to MSCs.

[4] Accept existing DOE FUSRAP contracts and Contracting Officer authority until USACE completes its transition. Settle / litigate all pre-existing contracts claims disputes.

[5] Provide contracting support to MSC's utilizing transferred DOE FUSRAP contracts. Investigate feasibility of bilaterally modifying DOE FUSRAP contracts into indefinite delivery contracts in accordance with OPORD.

[6] Immediately assess and resolve situation with FUSRAP soil left unburied at the Envirocare Facility, Ogden, Utah.

(e) Geographic Districts (see Table 1):

[1] Serve as project managers with primary interface with local communities and state agencies.

[2] Function as “One Door to the Corps” by utilizing existing expertise at HTRW design districts and assistance from HTRW-CX.

[3] Conduct liaison with local Congressional offices.

[4] Perform FUSRAP public affairs and community involvement activities.

[5] Ensure appropriate construction oversight (within existing training and capabilities, or brokered).

[6] Ensure appropriate HTRW Safety and Health Support (Annex H).

[7] Prepare and submit SITREP as required by MSC.

(f) HTRW Design Districts: (see Table 1)

[1] Function as technical managers for FUSRAP projects, supporting the project management lead of the geographic districts.

[2] Support geographic districts using its existing technical expertise and contract services (i.e., TERC, PRAC, Rapid Response, NORM, etc) to include execution of project investigations and designs.

[3] Provide necessary HTRW legal support.

[4] Provide real estate support where the geographic district does not have a real estate function.

[5] Ensure appropriate HTRW Safety and Health Support (Annex H).

[6] Serve as the central repository for Low Level Radioactive Waste (LLRW) disposal documentation in accordance with references (14) and (15).

[7] Prepare and submit SITREP as required by geographic district.

(g) HTRW Center of Expertise:

[1] Provide HTRW technical, legal, and PM expertise to Project Assessment team.

[2] Provide HTRW contracting and management support to Oak Ridge Transition Office.

[3] Provide technical and legal HTRW support to program, MSCs, and HTRW design districts.

[4] Provide staff support to program execution team (using FUSRAP project funds).

[5] Provide HTRW health, safety and health physics support (Annex H).

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[6] Prepare and submit SITREP as required by geographic and/or design district.

4. LOGISTICS / RESOURCE REQUIREMENTS (See Annex F)

- a. HQUSACE: All funding within existing GE resources.
- b. MSCs (DIVISIONS): All funding within existing GE resources.
- c. GEOGRAPHIC DISTRICTS, HTRW DESIGN DISTRICTS, HTRW-CX, OAK RIDGE TRANSITION OFFICE AND PROGRAM ASSESSMENT TEAM:
 - (1) 100% project-funded from FUSRAP funds.
 - (2) Oak Ridge Transition Office and Support to be project funded.
 - (3) Program Assessment Team members to be project-funded.
 - (4) No net change to total civil FTE ceiling.
 - (5) Reallocate among districts and HTRW CX as necessary.

5. COMMAND AND SIGNAL

- a. Existing Command Structure .
- b. Program manager for FUSRAP is Mr. Fred Caver at (202) 761-0191.
- c. Annex G provides the organization chart outlining the roles and responsibilities of the various USACE activities supporting the execution of the FUSRAP mission.
- d. This OPORD is official upon receipt.

/s/
RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works

Table 1 - Summary of Current FUSRAP Sites and Responsible Corps Districts

Figure 1 - Map of Current FUSRAP Sites

ANNEXES:

A - Congressional Language in FY98 Energy and Water Appropriations Bill and in Conference Report

B - Critical Transition Activities

C - Legal Counsel Support

D - Public Affairs and Public Involvement

E - Real Estate

F - Funding, Work Allowance Distribution and Reporting Requirements

G - Organization Chart

H - Safety, Health and Radiation Protection

I - USACE FUSRAP Program Points of Contact

J - Milestones

K - SITREP

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TABLE 1 - Summary of Current FUSRAP Sites and Responsible Corps Districts

LEAD CIVIL WORKS DISTRICT	PROJECT NAME	LOCATION	DOE PROJ. COMP. DATE	DESIGNATED HTRW DESIGN SUPPORT DISTRICT	EPA REGION	NPL	OWNER
BALTIMORE	W.R. Grace & Company	Curtis Bay, MD	2008	NAB, NAE	III	No	Private
BUFFALO	Niagara Falls Storage Site	Lewiston, NY	2007	NAB, NWK, NAE	II	No	DOE
	Ashland 1	Tonawanda, NY	2001	NAB, NWK, NAE	II	No	Private
	Ashland 2	Tonawanda, NY	2002	NAB, NWK, NAE	II	No	Private
	Praxair (Linde Air Projects)	Tonawanda, NY	2003	NAB, NWK, NAE	II	No	Private
	Seaway Industrial Park	Tonawanda, NY	2003	NAB, NWK, NAE	II	No	Private
	Bliss & Laughlin Steel	Buffalo, NY	1997 ?	NAB, NWK, NAE	II	No	Private
	Luckey Site	Luckey, OH	2002	LRL, NWO	V	No	Private
	Painesville Site	Painesville, OH	2004	LRL, NWO	V	No	Private
NEW ENGLAND	Combustion Engineering Site	Windsor, CT	2004	NAE, NAB	I	No	Private
	Shpack Landfill	Norton, MA	1999	NAE, NAB	I	Yes	Private
NEW YORK	Maywood Site	Maywood, NJ	2010	NAB, NWK, NAE	II	Yes	DOE
	Wayne Site	Wayne, NJ	2009	NAB, NWK, NAE	II	Yes	DOE
	Middlesex Sampling Plant	Middlesex, NJ	2001	NAB, NWK, NAE	II	No	DOE
	Colonie Site	Colonie, NY	2000	NAB, NWK, NAE	II	No	DOE
PHILADELPHIA	Du Pont & Company	Deepwater, NJ	2005	NAB, NWK, NAE	II	No	Private
ST LOUIS	Madison Site	Madison, IL	2002	LRL, NWO	V	No	Private
	Latty Avenue Properties	Hazelwood, MO	2006	NWK	VII	Yes	Private
	St. Louis Airport Site	St. Louis, MO	2016	NWK	VII	Yes	City
	St. Louis Airport Site Vicinity	St. Louis, MO	2012	NWK	VII	Yes	Private
	St. Louis Downtown Site	St. Louis, MO	2016	NWK	VII	No	Private

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FUSRAP—46 SITES IN 14 STATES

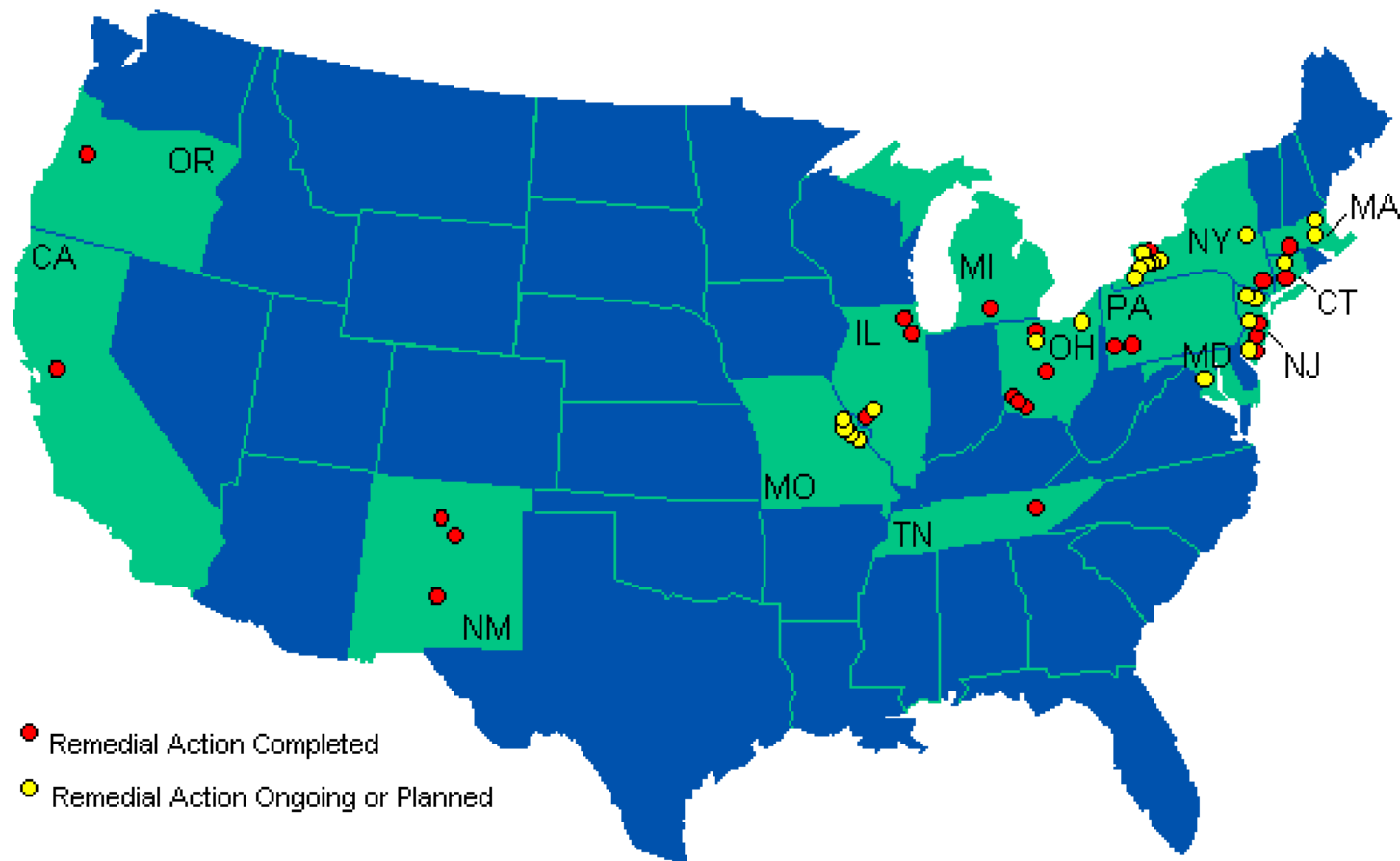


FIGURE 1 - FUSRAP PROGRAM SITE LOCATIONS MAP

**ANNEX A: Congressional Language in FY98 Energy and Water Appropriations
Bill and in Conference Report**

BILL LANGUAGE:

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM (including transfer of funds)

For expenses necessary to administer and execute the Formerly Utilized Sites Remedial Action Program to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended: Provided, That the unexpended balances of prior appropriations provided for these activities in this Act or any previous Energy and Water Development Appropriations Act may be transferred to and merged with this appropriation account, and thereafter, may be accounted for as one fund for the same time period as originally enacted.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers, activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, the Water Resources Support Center, and the USACE Finance Center, and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104 206, \$148,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I, of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

CONFERENCE REPORT LANGUAGE ON FUSRAP:

The conference agreement appropriates \$140,000,000 for the Formerly Utilized Sites Remedial Action Program (FUSRAP) instead of \$110,000,000 as proposed by the House and \$162,000,000 as proposed by the Senate. The conference agreement also transfers the FUSRAP program from the Department of Energy to the U.S. Army Corps of Engineers for program execution. The Corps currently manages and executes a similar program, the Formerly Used Defense Sites program, for the Department of Defense, and the conferees believe there are significant cost and schedule efficiencies to be gained by having the Corps manage FUSRAP as well.

The conferees are aware of the concerns expressed that a transition from one Federal agency to another may create unnecessary delays in the program. The conferees expect the Department of Energy and the Corps to make every effort to ensure that this transition goes smoothly, that execution of the program is maintained in accordance with current schedules, and that overall execution performance is improved. The Department of Energy recently announced that it will complete the existing management and operating contract for the FUSRAP program with a contract change becoming effective in the spring of 1998. The conferees expect the program to continue within the existing contract framework during that period, and will expect minimal disruption in operations during that time as the terms of current contracts are honored.

The conferees direct the Corps of Engineers to review the baseline cost, scope, schedule, and technical assumptions for each of the cleanup sites, and determine what actions can be taken to reduce costs and accelerate cleanup activities. The Corps should determine if it is possible and/or reasonable to meet the proposed 2002 completion date and report to the Committees on Appropriations within 90 days on what steps must be taken to meet this date.

The conferees expect the Chief of Engineers to select an organization and process within the Corps which can execute this high priority program most effectively and efficiently. To avoid potential jurisdictional problems, however, overall program management, schedule and resource priority setting, and principal point of contact responsibilities for FUSRAP are to be handled as part of, and integrally with, the overall Civil Works program of the Corps.

ANNEX B: CRITICAL TRANSITION ACTIVITIES

<u>Critical Transition Activities</u>	<u>Responsible Organization</u>
1. Initial Actions Required in October 97:	
(1) Coordinate with DOE to ensure smooth transition:	HQ/MSC
(2) Meet with DOE and Bechtel to agree upon transition ground rules	HQ
(3) Minimize termination of ongoing arrangements (contracts, grants, access agreements, etc.)	HQ
(4) Minimize new obligations by DOE and Bechtel that may inhibit transition and impact on FY98 funds	HQ
(5) Expedite information flow	HQ/MSC
(6) Initiate development of FUSRAP-specific MOA with DOE	HQ
a. Take proactive public affairs stance:	
(1) Reassure Congress, local communities, federal and state regulators, and general public of Corps' intentions	HQ/MSC
(2) Issue initial press release (joint with DOE) to articulate transition approach	HQ
b. Collect necessary information from DOE and DOE contractors:	
(1) Program and project data (status, schedules, cost estimates)	HQ/MSC
(2) Contracts, grant agreements, access agreements/deeds/permits	HQ/MSC
(3) Agreements with EPA, states, local communities, stakeholders	HQ/MSC
(4) Financial information (unpaid prior obligations, amount of carryover, etc.)	HQ/MSC
(5) Budget information (FY98 request and outyear requirements)	HQ/MSC
(6) Outstanding claims	HQ/MSC
(7) Status of PRP actions at each active site	HQ/MSC
(8) Inventory of equipment and facilities that may be transferred from DOE	HQ/MSC

<u>Critical Transition Activities</u>	<u>Responsible Organization</u>
c. Take preparatory USACE organizational steps (may be prior to enactment):	
(1) Establish initial HQUSACE Transition team (CECW, CEMP, CECC, CERE, other elements as needed)	HQ
(2) Establish CEMP Execution Management Team	HQ
(3) Select team members for Program Assessment Team and Oak Ridge Transition Office	HQ
(4) Alert MSCs to become knowledgeable on local FUSRAP projects	HQ
(5) Request MSCs propose project teams at district level and nominate candidates for Oak Ridge Transition Office and Program Assessment Team	HQ
(6) HQUSACE reviews and approves team composition	HQ
(7) Coordinate contract acquisition strategy with PARC	HQ
(8) Investigate delegation of signature authority from ASA(CW) for RODs, consent agreements, etc.	HQ
d. Take initial execution steps (after enactment of law):	
(1) Establish USACE presence at Oak Ridge with initial members of Oak Ridge Transition Office	HQ
(2) Initial meeting of HQ transition team with key field team members (e.g., team leads for Oak Ridge Transition Office and Program Assessment Team, plus project managers for individual FUSRAP sites)	HQ
(3) CEMP provides initial guidance and criteria for initial program assessment	HQ
(4) Initial meeting of full team (HQ Execution Team, Oak Ridge Transition Office, Program Assessment Team, and individual PMs) at Oak Ridge	HQ
(5) Program Assessment Team collects initial project data and meets with DOE and Bechtel managers at Oak Ridge prior to site visits	HQ
(6) Initiate MIPR to transfer funds to DOE for continuation of FUSRAP support	HQ

<u>Critical Transition Activities</u>	<u>Responsible Organization</u>
(7) Provide initial guidance to Program Assessment Team and district project teams	HQ
(8) Initiate resolution of key program issues (legal, regulatory, contracting, personnel)	HQ
(9) Determine status after transfer of:	HQ
(a) DOE employees at HQ-Germantown and OR	
(b) Bechtel employees at OR	
(c) Bechtel subcontractors	
(d) State recipients of FUSRAP grants	
(10) Address legal implications of Corps' assumption of responsibility for existing FUSRAP contracts	HQ
(11) Determine legally-imposed regulatory requirements applicable to Corps' program execution (e.g., CERCLA, RCRA, AEA, FFCA, etc.)	HQ
(12) Determine Corps' responsibilities with respect to PRPs	HQ
(13) Evaluate current DOE state grant arrangements and determine Corps' requirements and authorities to continue such arrangements if necessary	HQ
(14) Determine NPL status of remaining FUSRAP sites and initiate EPA coordination	HQ
(15) Review existing agreements with local communities and regulators, determine penalties for non-compliance, and establish critical compliance milestones	HQ
(16) Identify potential real estate issues (e.g., ownership, site access, etc.)	HQ
(17) Identify requirements for post-transfer financial and environmental audits	HQ

2. Activities in November 97:

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| a. Field Program Assessment Team - | |
| (1) Conduct initial on-site assessment, in cooperation with local district teams, of all active FUSRAP sites to: | HQ |
| (2) Assess current status of projects, including DOE commitments with communities and regulators, and DOE's strategy for completion existing DOE-directed contractor activities | HQ |

<u>Critical Transition Activities</u>	<u>Responsible Organization</u>
(3) Evaluate technical appropriateness and level of funding of existing DOE-directed contractor activities.	HQ
(4) Work with local districts to determine whether completion by 2002 is possible, as required by Congress (conference report) for 90-day report	HQ/MSC
(5) Work with local districts, as necessary, to determine appropriate Corps' transition strategy for each project and estimate Corps' requirements to complete	HQ/MSC
(6) CEMP lead, drawing technical talent from CX, NAD, LRD, MVD, and NWD	HQ/MSC
(7) Team requires expertise in HTRW PM, legal, real estate, health physics, contracting and cost analysis	HQ/MSC
b. Conclude FUSRAP-specific MOA with DOE	HQ
c. Establish the Oak Ridge Transition Office -	
(1) Assess current DOE and Bechtel management practices, contract requirements, safety, health and radiation protection requirements to include training, financial systems, scheduling, property accountability, regulatory interfaces, public relations, claims, future program requirements	HQ
(2) Develop specific transition actions regarding the DOE and Bechtel program management groups at Oak Ridge in light of existing Corps' contracting capacity	HQ
(3) Team works for HQ, likely task LRN to execute, drawing on affected divisions and HTRW CX for expertise in project management, contracting, financial audits, resource management, legal, property inventory and accountability	HQ/MSC

<u>Critical Transition Activities</u>	<u>Responsible Organization</u>
d. MSCs establish MSC / district project teams:	
(1) Establish relationships with supporting HTRW design districts and HTRW CX	MSC
(2) Begin development of project transition and execution plans	MSC
(3) Conduct initial on-site assessment, in cooperation with Program Assessment Team, HTRW design districts and HTRW-CX of all assigned projects.	MSC
(4) Assess current status of projects, including DOE commitments with communities and regulators, and DOE's strategy for completion.	MSC
(4) Work with Program Assessment Team to determine whether completion by 2002 is possible, as required by Congress.	MSC
(5) Initiate coordination with local communities, involved federal and state regulators, and local Congressional offices	MSC
(6) Review FY99 DOE budget request, convert to Corps request	MSC MSC
(7) Develop strategy and budget requirements for out-years	MSC
(8) Update request as transition plans for individual projects are developed	
3. Activities in December 97:	HQ/MSC
a. Draft 90-day Report to Congress:	
(1) Evaluate Two primary components:	
(a) Assess possibility of completion by 2002	
(b) Provide Corps transition strategy for each project	
(2) Developed by CEMP Execution Management Team with input from local districts, Program Assessment Team, and Oak Ridge Transition Office	
(3) Subsequent submission through SACW and OMB to Congress in Jan 98	
(4) Project teams and Oak Ridge Transition Office implement specific transition actions	

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<u>Critical Transition Activities</u>	<u>Responsible Organization</u>
4. Second Quarter of FY98 (Jan-Mar 98):	
a. CECW submit draft report through ASA(CW) and OMB to Congress	HQ
b. Project teams continue to implement changes identified in project assessment phase	MSC
c. Develop and begin implementation of Corps contract strategy - conversion of DOE / Bechtel / subcontractor arrangement to use of existing Corps contract vehicles (e.g., TERCs, rapid-response contracts, etc.)	HQ/MSC
b. Support Civil Works appropriations testimony	HQ/MSC
c. Issue policy and execution guidance for FUSRAP	HQ
f. Adapt existing Corps organization for FUSRAP execution	HQ/MSC
g. Incorporate FUSRAP information into current reporting systems and databases	HQ/MSC
h. Expand current regulatory interfaces with state and federal agencies	MSC
i. Resolve disposition of government-owned equipment and facilities	HQ/MSC
j. Establish Corps home page for FUSRAP program	HQ/MSC
1. Post-Transition Activities - Execution Phase (Apr 98 and beyond)	
a. Execute remediation, implementing all changes identified during transition period	HQ/MSC
b. Track all Corps efficiencies (cost and schedule) at both program and project levels relative to DOE baseline	HQ/MSC
c. Review project records on the sites that have completed clean-up to ensure closure	HQ/MSC

ANNEX C - LEGAL COUNSEL SUPPORT

1. OVERVIEW.

Significant counsel involvement will be required to accomplish a seamless transition of FUSRAP responsibilities to USACE given :

a. The complexity of both the legislative and regulatory requirements applicable to the identification, investigation and remediation of FUSRAP properties.

(1) Applicable and relevant and appropriate requirements currently applicable to program execution involve the Atomic Energy Act, Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, National Environmental Policy Act , Uranium Mill Tailings Radiation Control Act, and Clean Water Act.

(2) Legal implications associated with numerous regulatory requirements at both federal and state levels will also require counsel support. Areas of regulatory concern will arise from regulations associated with the need for compliance with the National Contingency Plan, Nuclear Regulatory Commission safety and licensing requirements, and federal and state regulations applicable to site assessment and cleanup activities.

b. The need to expeditiously identify and assure compliance with provisions of existing agreements that may have been executed by DOE with regulatory interests to avoid imposition of fines or penalties.

c. The complications that will be confronted in dealing with acquisition requirements arising from FUSRAP regardless of whether USACE transition strategy leads to takeover of existing DOE contracts or use of Economy Act type authority to place orders with DOE for program support that will be provided to us by DOE under its contract. Counsel also will need to be involved in assessing the extent to which existing claims liability should be borne by USACE should a contract takeover approach be selected.

d. Fiscal law issues associated with the transfer of program responsibilities and also with the administration of the program by USACE.

e. CERCLA Potential Responsible Party allocation requirements and associated negotiation and litigation required to defend program execution determinations and where appropriate seek recovery from other responsible parties pursuant to CERCLA authorities.

Counsel support will also be important during initial transition discussions with DOE and during the course of any subsequent negotiation of any agreement with DOE dealing with the transfer of program responsibilities.

Regardless of the approach selected in dealing with DOE's existing contractor capabilities, a decision will need to be made during the transition period as to the appropriate forum for contract appeals arising from contracts executed in support of FUSRAP. Should takeover of existing contracts be the approach selected, this determination may be made more complex by the possibility that the contractor may resist changing to a forum other than the DOE Board of Contract Appeal.

2. COUNSEL RESOURCE RESPONSIBILITIES

a. Transition Phase

(1) Office of the Chief Counsel will provide legal support to Headquarter elements involved in transition planning and execution including preparation of 90- day transition report and determinations regarding forum selection for contract claims and appeals.

(2) Initially, the HTRW-CX Counsel will provide legal support to the Program Assessment Team's efforts to identify legal and regulatory requirements applicable to existing FUSRAP sites, including assessment of any agreements or commitments made by DOE. CX counsel will also assist the Office of the Chief Counsel in coordinating information exchange among counsel at executing districts and divisions.

(a) As required, CX counsel may be supplemented with counsel resources from involved USACE field activities. CX assessment of this need will be coordinated through the Chief Counsel.

(3) Division Counsel (LRD, MVD, NAD, NWD) will provide legal advice to the Division Commander related to the program and perform oversight of District Counsel actions in support of the program.

(4) District Counsel will provide legal advice to the District Commander and program management personnel related to the transition phase efforts, and assure that close coordination is maintained with counsel representatives detailed to the Program Assessment Team and the Oak ridge Transition Office Team. Will provide TDY assistance to these teams as required by the Chief Counsel.

b. Steady-State Phase

- (1) Office of the Chief Counsel will provide legal advice to Headquarter elements involved in planning, programming, and execution of FUSRAP. This support will encompass legal issues arising from legislative, fiscal, litigation, contracting, and regulatory requirements.
- (2) HTRW-CX Counsel will provide a point of contact for interchange of information among involved field offices on legal issues arising from USACE execution of FUSRAP.
- (3) Division Counsel (LRD, MVD, NAD, NWD) will provide legal advice to the Division Commander related to the program and perform oversight of District Counsel actions in support of the program. Procurement Protest authorities delegated to the Division Counsel will apply to FUSRAP acquisitions.
- (4) District Counsel will provide legal advice to the District Commander and his staff on legal factors affecting execution of FUSRAP assigned responsibilities and will be responsible for direct oversight and control of all litigation and contract claims and appeals.

ANNEX D - PUBLIC AFFAIRS AND PUBLIC INVOLVEMENT

A. Public Affairs: Resources for the adequate accomplishment of the public affairs activities outlined below will be made available from FUSRAP funds.

1. The Army Chief of Staff recently discussed Army-Media Relations. The philosophy of our relationship with the media is one of positive and proactive communication, incorporating the media and the public into planning and operations at the various FUSRAP sites. All Corps leadership will become as actively engaged in media relations as possible. Responsiveness to the media in a timely manner is critical.

2. Responsible Corps managers will ensure that the public, stakeholders and the media have information upon which they can make an informed decision. The responsible district Public Affairs Officer will provide expertise and support in these efforts.

3. As soon as practicable, all Corps personnel working on the site should have training in giving effective media interviews which will also enhance their understanding of customer concerns.

4. Activities and contacts between the responsible Corps managers and the public and media will be such that provide an open exchange of information.

5. As soon as practicable, responsible Corps personnel, working with their local Public Affairs Officer, should meet with local reporters who have been reporting on the work at the site. As appropriate, provide a periodic update to the reporters on the progress of our work.

6. A report of contacts with the media, aired and printed stories and efforts to provide stories in a proactive manner will be included in all periodic updates to Corps leadership.

B. Public Involvement. Resources for the adequate accomplishment of the public involvement activities as outlined below will be made available from FUSRAP funds.

1. References:

a. Comprehensive Environmental Response, Compensation and Liability Act. (CERCLA).

b. National Environmental Policy Act of 1969

2. At each site an assessment of the state of public involvement should be made within the first 45-60 days by reviewing documentation and talking with the local community and stakeholders. Special note should be made of any existing commitments by the Department of Energy or the on-site contractor to provide information to the public, periodic meetings, formal or informal groups, newsletters or other forms of communication which have already been established. At each site, the assessment will include a list of the stakeholders and interested groups. An assessment of any site specific public involvement / participation plans should also be included.

3. Prepare a public involvement plan within 60-90 days for each site which includes all existing mechanisms and additional activities which will accomplish the following. In no case, should the public involvement plan reflect a level of public participation less than existed with the Department of Energy.

a. Provide for the clear and open exchange of information regarding the site and the work being done there.

b. Ensure local concerns are addressed by soliciting input, comments and active involvement from the residents, tenants, concerned agencies, and elected officials and other stakeholders.

c. Ensure that community concerns and values are integrated at the earliest possible time into planning and decision making processes of all agencies associated with the clean-up.

d. Provide a centralized point of contact for the varied public to communicate concerns and obtain information about the site.

e. Provide a visible, on-site professional presence of the Corps of Engineers and effectively integrated Corps' activities into that of the community.

f. Include all existing mechanisms currently being used by DOE and the contractor to communicate with the stakeholders.

4. At the periodic updates provided to Corps leadership, public involvement events, results and upcoming activities will be included.

5. After six months, a meeting centering on public involvement techniques will be convened in order that an assessment can be made and information exchanged on effective techniques.

6. HQ USACE will, as soon as practical, link to the DOE FUSRAP home page and provide a home page for the Corps FUSRAP ongoing activities.

ANNEX E - REAL ESTATE

1. OVERVIEW

Given that remedial activities are apparently underway at most, if not all, FUSRAP sites, the Government may possess adequate access to such sites to execute the program. Therefore, significant real estate support may not be required beyond the transition phase. Nevertheless, significant real estate support will be required during the transition phase to accomplish a seamless transfer of FUSRAP responsibilities to USACE given the need to:

- a. Expeditiously identify Government-owned lands and interests in lands required to execute the program as well as leases, licenses, permits, rights-of-entry, and/or access agreements obtained by DOE or its contractors to assure there is no interruption in the availability of access which may result in cost or schedule growth. This effort will include locating and reviewing title evidence, mapping and legal descriptions, and plans for remedial activities.
- b. Determine whether the transfer of program management and execution responsibility from DOE to USACE may trigger a change in availability of lands required to execute FUSRAP.
- c. Determine whether there are any pending relocation assistance claims under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and develop a strategy for processing them together with any appeals which may result.
- d. Identify any pending condemnation actions and develop a strategy for providing support to the Department of Justice, approving any proposed settlements and satisfying any deficiency judgments.
- e. Determine the payment schedules and other terms of any leases of real property.
- f. Provide cost and schedule estimates for any currently identifiable real estate requirements.
- g. Come to an agreement with DOE as to whether administrative accountability for Government-owned real property should remain with DOE or be transferred to USACE.
- h. Determine the legal authority for USACE acquisition of any lands or interests in land required to implement the program.

- i. Determine the valuation premise for any lands or interests in land required to implement the program.

2. REAL ESTATE RESOURCE RESPONSIBILITIES

a. Transition Phase

- (1) The Directorate of Real Estate will provide real estate support to Headquarters elements involved in transition planning and execution including issue identification, input to the Operation Order, selection of Program Assessment Team personnel with real estate expertise, and assistance with preparation of any real estate aspects of the 90-day transition report.
- (2) Real estate support to the Program Assessment Team will be resourced from real estate elements of USACE field activities to identify real estate requirements and potential issues at existing FUSRAP sites including: assessment of sufficiency of Government-owned real property, rights-of-entry and/or access agreements to execute the program; payments required under any existing leases; any unsatisfied deficiency judgments in condemnation actions; any need for additional real property acquisition; and any pending or potential relocation assistance claims. Real estate representative detailed to Program Assessment Team will also assist Directorate of Real Estate in coordinating information exchange among real estate elements at executing Districts and Divisions.
- (3) Division real estate elements (LRD, MVD, NAD, NWD) will provide real estate support to the Division Commander related to the program and perform oversight of District real estate actions in support of the program. Division real estate elements will provide TDY assistance to these teams as may be required by the Director of Real Estate.
- (4) District real estate elements will provide real estate support to the District Commander and program management personnel related to the transition efforts and assure that close coordination is maintained with the real estate representative detailed to the Program Assessment Team and the Oak Ridge Transition Office Team. District real estate elements will provide TDY assistance to these teams as may be required by the Director of Real Estate.

b. Steady-State Phase

- (1) The Directorate of Real Estate will provide real estate support to Headquarters elements involved in planning, programming, and execution of FUSRAP. This support

will encompass planning, appraisal, real property acquisition, management and disposal legal and policy issues, and decision of relocation assistance appeals.

(2) Division real estate elements (LRD, MVD, NAD, NWD) will provide real estate support to the Division Commander related to the program and perform oversight and quality assurance of District real estate actions in support of the program. Approval authorities delegated to Division Chiefs of Real Estate pertaining to appraisals, offers to sell, administrative settlements, and settlement offers in condemnation actions will apply to FUSRAP.

(3) District real estate elements will provide real estate support to the District Commander required in the execution of FUSRAP assigned responsibilities and will be responsible for quality control of real estate actions. Approval authorities delegated to District Chiefs of Real Estate pertaining to appraisals, offers to sell, administrative settlements, and settlement offers in condemnation actions will apply to FUSRAP.

ANNEX F: FUNDING, WORK ALLOWANCE DISTRIBUTION AND REPORTING REQUIREMENTS.

1. REFERENCES:

- a. ER 11-2-201, Civil Works Activities - Funding, Work Allowances and Reprogramming.
- b. ER 37-2-10, Accounting and Reporting - Civil Works Activities.

2. DIVISION / DISTRICT DEVELOPMENT OF WORKPLAN FOR EXECUTION OF FUSRAP.

a. Divisions / Districts will develop a mission workplan for projects under their responsibility to be used for programming, funding and execution purposes. The total of the mission workplan may be as much as 20 percent higher than that of the “funded” workplan which will be based on the actual FUSRAP program funding available for the year. Divisions will provide the mission workplan to HQ before the beginning of the fiscal year.

b. Management and Support (M&S) requirements at the division and HQ offices in support of the FUSRAP program will be funded with existing General Expense funds (96X3124). The appropriation funding the FUSRAP program (96X3130) will not be used to fund management and support costs.

3. WORK ALLOWANCE DISTRIBUTION TO DISTRICTS. Upon receipt of FUSRAP funding from OMB, FUSRAP Task Force will authorize work allowances to districts based on division / district workplans, priorities and other appropriate factors. CECW will process work allowances based on FUSRAP Task Force direction and provide CERM-B authority in the form of a Funding Directive Document (FDD) in order to issue Funding Authorization Documents (FADS). A Work Allowance will be provided for each project / location to districts to include CWIS number, etc.

4. FUNDING AUTHORIZATION DISTRIBUTION TO DISTRICTS. Upon receipt of the FDD, CERM-B will issue FADS directly to districts (copy furnished

divisions) responsible for project execution. FADS along with the work allowances will provide districts authority to execute FUSRAP projects.

5. TRANSFER AUTHORITY AT DISTRICT / DIVISION LEVEL. Division / District have authority to adjust work allowances in their command within the limits specified in ER 11-2-201 (to be provided).

6. REPORTING REQUIREMENTS FOR FUSRAP.

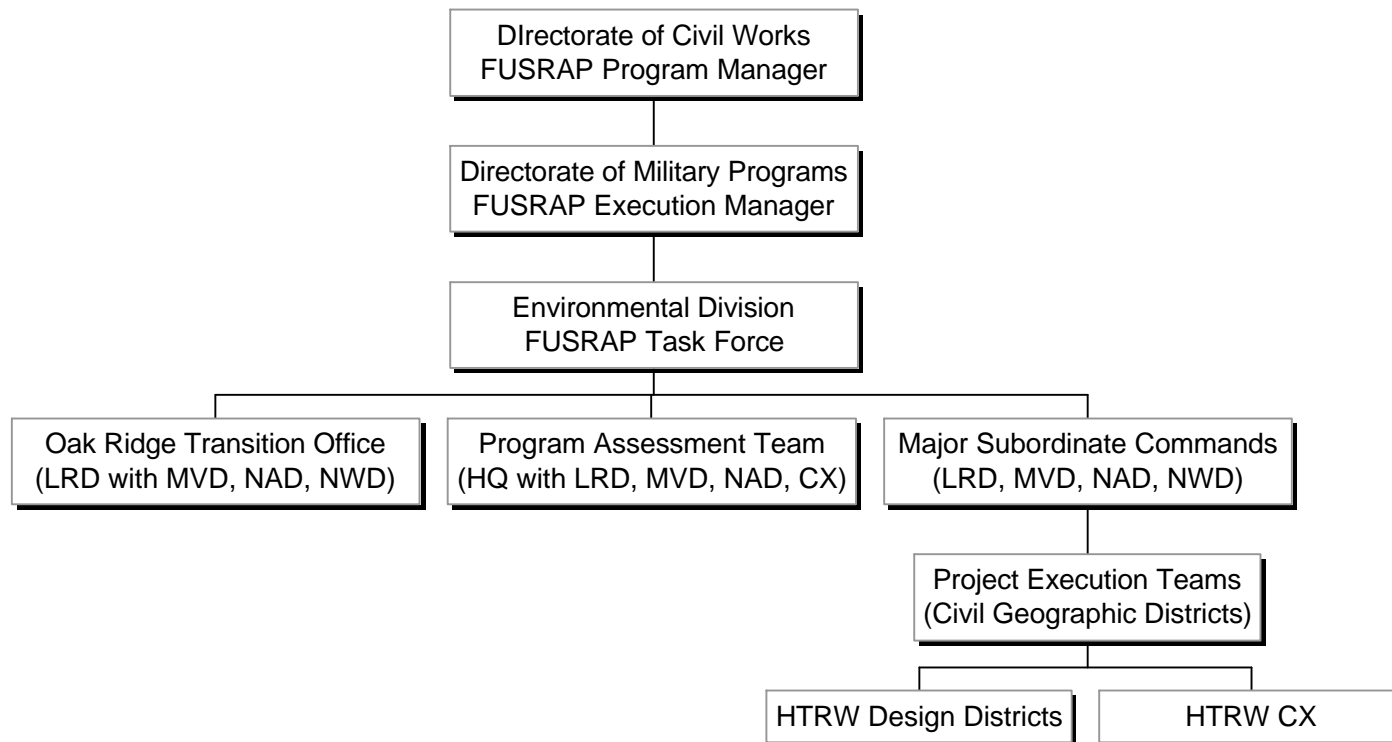
a. Category Class / Sub Class structure. Districts will use category class / sub-class structure based on ER 37-2-10. This regulation is currently being modified to provide the structure for FUSRAP. In the meantime, districts have been notified of the category class / sub-class structure for the FUSRAP program via e-mail.

b. 3011A Reporting requirements. Districts will report FUSRAP execution using the 3011A reporting procedures and the category class / sub-class structure referenced above.

c. Corps Environmental Restoration Financial Execution Report (CERFER). Districts / Divisions have available to them a financial management tool for project managers which provides financial project execution data in regards to funding, obligations., expenditures, manpower, etc. This system will be available via the Internet.

ANNEX G: USACE ROLES AND RESPONSIBILITIES

USACE Organization for FUSRAP



ANNEX H: SAFETY, HEALTH AND RADIATION PROTECTION

1. OVERVIEW.

a. Significant safety, occupational health (to include industrial hygiene and occupational medicine) and health physics involvement will be required to ensure FUSRAP projects are executed in a safe and healthful manner that protects the workers and members of the general public close to site activities.

b. Statutory requirements currently applicable to program execution involve the Atomic Energy Act, Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, National Environmental Policy Act, Uranium and Mill Tailings Radiation Control Act, Clean Water Act and the Occupational Safety and Health Act.

c. Under the existing DOE management and contract framework for FUSRAP, project safety and health execution stems from requirements established by statute; Federal, state and local requirements and agreements; DOE orders, guidance and oversight requirements; and prime and subcontractor procedures. Such requirements are specified for the life-cycle of the project to include preliminary assessments, investigations, designs and remedial action construction. The DOE and DOE Contractor FUSRAP safety and health business processes are not well known within the USACE. MSCs, lead geographic districts, direct support HTRW design districts and the HTRW CX need to quickly develop a working understanding of these processes and requirements in the transition phase, throughout the continuation of the existing DOE contracts and determine their applicability under future USACE contracts.

d. ER 385-1-92 (reference b.10) provides the framework (roles and responsibilities) for USACE command HTRW safety and occupational health execution. This regulation and reference b.(17) will be used for the USACE safety and health execution of FUSRAP.

e. The USACE has a national reputation as an organization that is strongly committed to ensuring HTRW contractors put safety first in the execution of their work. FAR Clause 52.236-13, Accident Prevention, provides the initial foundation for investigative and remedial action construction contract safety and health requirements. This clause requires contractors to use EM 385-1-1 (reference b.6) to develop and implement project-specific written Accident Prevention Plans with qualified and

competent personnel to oversee safety and health on the job-site. Coupled with the requirement, ER 385-1-92 (reference b.10) is used in HTRW investigative scopes of work to specify AE safety and health work products that lead into design. During remedial design, CEGS 1351 (reference b. (18) is used to develop the remedial action construction contract special clause requirements. Remedial action construction contractors are required to develop and implement site specific safety and health programs and plans in accordance with construction contract provisions.

f. There is a mix of safety engineers, safety specialists, industrial hygienists and health physicists in safety and occupational offices and engineering elements at USACE commands listed in Table 1 and at the HTRW CX which support USACE environmental restoration projects. Thoroughly review reference b.(10) and determine if these disciplines, to include their developed roles and responsibilities are effectively utilized. If there are disconnects, especially between geographic districts, their designated support HTRW design districts or the HTRW CX, to include technical roles and responsibilities as outlined in reference b.(17), establish effective working relationships immediately.

2. Safety, Industrial Hygiene and Health Physics Responsibilities

a. Transition Phase

(1) HQUSACE Safety and Occupational Health Office - In coordination with CEMP-R and the HTRW CX, support the FUSRAP Task Force, Oak Ridge Transition Office and Field Program Assessment Team in the assessment of DOE and DOE Contractor FUSRAP safety, health and radiation protection requirements to include training and their impact on USACE execution during the transition phase and into steady-state. Provide other support as requested.

(2) MSCs, their lead Civil Works District and selected support HTRW design district(s) shall:

(a) Ensure that selected safety and occupational health Office staff (safety engineers, safety specialists, industrial hygienists) and engineering HTRW staff (industrial Hygienists) are designated to participate in this program. Health Physics support requirements (in-house or contract) shall be coordinated through the HTRW CX. A USACE-wide in-house Health Physics Support Team has been established and will be

available to support your mission. Health physics support requests will flow through the Health Physics Team Coordinator at the HTRW CX.

(b) Develop a working understanding of current DOE and DOE Contractor FUSRAP safety and health requirements that exist at sites under your jurisdiction. These requirements need to be evaluated against current USACE requirements specified in references b. (5), (6), (9), (10), (16) and (17) throughout the continuation of the existing DOE contracts and determine their applicability under future USACE contracts.

(c) Provide safety, industrial hygiene and health physics oversight, as necessary, for ongoing FUSRAP contracts administered by DOE and DOE Contractors.

(3) HTRW CX - Provide technical HTRW safety and occupational health support and oversight to MSCs, their lead Civil Works District and selected support HTRW design districts as mandated or requested in accordance with applicable references identified at the beginning of this order. Serve as the USACE-wide Health Physics Support Team Coordinator, coordinating requests for health physics support and arranging in-house HP team members support activities.

b. Steady-State Phase

(1) HQUSACE and USACE Commands shall provide safety and occupational health (both in-house and contract) in accordance with all applicable HTRW safety and occupational health requirements, particularly references (5), (6), (9), (10), (16) and (17). Health Physics support needs shall be requested, as necessary, through the HTRW CX. Modification of these requirements may be necessary as we evolve into the execution of this program.